

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, August 21, 2012, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Valerie Joh
Alderman Mike McIntire

Vice-Mayor Tom C. Parham
Alderman Tom Segelhorst
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Ms. Summer Roller.
- II.B. **INVOCATION:** Richard Dice - Pastor, Christ Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 - 1. Keep Kingsport Beautiful Beautification Awards.
Ms. Laura Woods and Alderman Segelhorst presented these awards to the winners who were present after being recognized in a brief presentation.
 - 2. ETSU Pride Week Proclamation.
Mayor Phillips recognized the contributions made by East Tennessee State University and declared August 24-31 as ETSU pride week. In Kingsport. Dr. Bert Bach, Vice-President of Academic Affairs, presented the Board members with ETSU hats.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Joh, to approve minutes for the following meetings:

- A. August 6, 2012 Regular Work Session
- B. August 7, 2012 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

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1. Conduct a Public Hearing for the Proposed Stormwater Annual Compliance Report and Approve a Resolution Authorizing the Mayor to Execute the Document (AF: 256-2012). Public Works Director Ryan McReynolds gave a presentation on this item, noting the city has a responsibility for the quality of streams. He further stated this was an annual compliance report required by the state. Vice-Mayor Parham pointed out there were seventeen streams on the report with more likely to be added.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2013-232, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A STORMWATER ANNUAL COMPLIANCE REPORT AS REQUIRED BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Passed: All present voting "aye."

2. Public Hearing and Consideration of an Ordinance Adopting a New Code of Ordinances for the City (AF: 251-2012). City Manager Campbell stated the public hearing would be held as advertised, but consideration of the ordinance would be deferred until September to allow the Board time to review the suggested revisions. The Mayor commented the new code would bring the city up to date.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: Parham/Segelhorst, to defer:

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF KINGSPORT; ESTABLISHING THE SAME; PROVIDING FOR REPEAL OF A PREVIOUS CODE OF ORDINANCES; PROVIDING FOR THE MANNER OF UPDATING SAID CODE; PROVIDING A PENALTY FOR VIOLATION THEREOF; PROVIDING A DATE WHEN SUCH CODE SHALL BECOME EFFECTIVE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance Amending Section 102-106 of the Code of Ordinances to Authorize Operation of Bicycles on Certain Sidewalks (AF: 255-2012). City Manager Campbell stated this was an effort to be a more bike-friendly community. Mayor Phillips pointed out that pedestrians still have the right of way.

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Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE AMENDING SECTION 102-106 OF THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, PERTAINING TO VEHICLES ON SIDEWALKS BY AUTHORIZING THE OPERATION OF BICYCLES ON CERTAIN SIDEWALKS; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 7 Part A Annexation (AF: 237-2012).

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6238, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART A ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: McIntire/Shupe, to pass:

ORDINANCE NO. 6239, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG RIDGEMONT DRIVE, WILMONT DRIVE, FAIRLAWN DRIVE, GREEN HILLS DRIVE, BRIGHTWOOD LANE, CASTLE OAKS DRIVE, SUMMIT OAKS CIRCLE, FAIRLANE DRIVE, TALL OAK COURT, WOODMERE DRIVE, ALTAMONT DRIVE, HIGHLEA DRIVE, AND LEBANON ROAD TO R-1B, RESIDENTIAL DISTRICT AND B-4P, PLANNED BUSINESS DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

2. Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 7 Part B Annexation (AF: 238-2012).

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6240, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 7 PART B ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY

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OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: McIntire/Parham, to pass:

ORDINANCE NO. 6241, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG HARDING ROAD, GARMON DRIVE, CLAYMORE DRIVE, RED OAK LANE, RED OAK PLANTATION DRIVE, AND COLONIAL COURT TO R-1B, RESIDENTIAL DISTRICT, IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Execute and Sign All Documents Necessary to Enter into an Agreement with the United States Department of Justice to Allow the Kingsport Police Department to Participate in the Federal Asset Forfeiture Program (AF: 252-2012). City Manager Campbell stated this was an annual document that would allow for the resale of items seized from criminals and returning the proceed money back to the police department.

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2013-033, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE TO ALLOW THE KINGSFORT POLICE DEPARTMENT TO PARTICIPATE IN THE FEDERAL ASSIST FORFEITURE PROGRAM AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

2. Consideration of a Resolution Approving the Award of Solid Waste Disposal Landfill Services with Advanced Disposal Services Tennessee, LLC and Authorizing the Mayor to Execute All Applicable Documents (AF: 253-2012). Public Works Director Ryan McReynolds gave a presentation on this item and stated this bid process came about in an effort to provide the most cost-effective service to the citizens of Kingsport. He gave details on the many operational considerations that provided the most efficient outcome regarding the four companies that responded during the bid process. Mr. Scott Barnett, General Manager of Allied Waste stated they presented the lowest price per ton. Mr. McReynolds explained that other factors were considered before a decision was made. Streets and Sanitation Manager Ronnie Hammonds provided further details regarding mileage and lost time and answered further questions. Mr. C. M. Boggs, representing Waste Management, commented on the bid specifications.

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Motion/Second: Clark/Joh, to pass:

Resolution No. 2013-034, A RESOLUTION AWARDDING THE BID FOR SOLID WASTE DISPOSAL LANDFILL SERVICES TO ADVANCED DISPOSAL SERVICES TENNESSEE, LLC AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

3. Consideration of a Resolution to Condemn for Easements and Right-of-Ways for the Rock Springs/Stonetree Area Sanitary Sewer Extension Project (AF: 257-2012).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2013-035, A RESOLUTION TO AUTHORIZE CONDEMNATION PROCEEDINGS FOR THE ROCK SPRINGS ROAD/STONETREE AREA SANITARY SEWER EXTENSION PROJECT

Passed: All present voting "aye."

4. Consideration of a Resolution Pertaining to the Defined Contribution Retirement Plan for New Employees (AF: 259-2012).

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2013-036, A RESOLUTION RELATING TO A MONEY PURCHASE PLAN

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

Appointments/Reappointments are considered under one motion.

Motion/Second: Parham/Shupe, to approve:

1. Consideration of Appointment to the Stormwater Appeals Board (AF: 260-2012).

Approve:

APPOINTMENT OF MR. MIKE MCINTIRE TO SERVE ON THE **STORMWATER APPEALS BOARD** EFFECTIVE IMMEDIATELY. THIS APPOINTMENT WILL COINCIDE WITH HIS TERM OF OFFICE AS ALDERMAN.

Passed: All present voting "aye."

VII. CONSENT AGENDA. (These items are considered under one motion.)

Motion/Second: Segelhorst/Joh, to adopt:

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**1. Consideration of an Ordinance to Appropriate Funds Related
to the Edinburgh Phase 2 Sections 2E and 2F Development (AF: 243-2012).**

Adopt:

Ordinance No. 6236, AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 2 SECTION 2E and 2F MATERIALS AGREEMENT PROJECTS (WA1377 AND SW1377); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Amend the Various Funds to
Adjust Budgets for Year End (AF: 242-2012).**

Adopt:

Ordinance No. 6237, AN ORDINANCE TO AMEND VARIOUS FUND BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Shupe and Phillips voting "aye."

**3. Consideration of Approval of Offer for Easement and Right-of-
Way for the Harkleroad Property Sanitary Sewer Extension (AF: 254-2012).**

Approve:

OFFERS FOR EASEMENT AND RIGHT-OF-WAY FOR THE HARKLEROAD PROPERTY SANITARY SEWER PROJECGT

Passed in a roll call vote: Clark, Joh, McIntire, Parham, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell stated he was proud of E.T.S.U.'s interest in Kingsport. He also mentioned that Dr. David Milhorn from the University of Tennessee was recently at the Chamber of Commerce where he stated that he expected the government to be more focused on education this year.

B. MAYOR AND BOARD MEMBERS. Alderman McIntire wished the Mayor a happy birthday tomorrow and also wished his wife a happy anniversary.

Alderman Joh cautioned everyone to be aware in the school zones since the new school year has begun. She also noted the carousel project was moving along and they are now looking for a location and hope to come to the Board in October with a recommendation.

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Alderman Segelhorst thanked E.T.S.U. for the gifts they handed the Board earlier. He also encouraged everyone to participate in pride week. Mr. Segelhorst then congratulated the beautification award winners.

Alderman Clark stated it was good to see student athletes involved in the Kingsport City Schools sports programs.

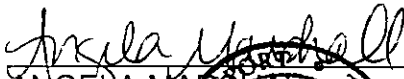
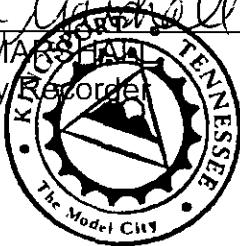
Vice-Mayor Parham commented favorably on higher education in Kingsport. He also summarized a list of accomplishments made in Kingsport in the last few years, including the greenbelt, the aquatic center, sports fields and being a more bicycle friendly city.

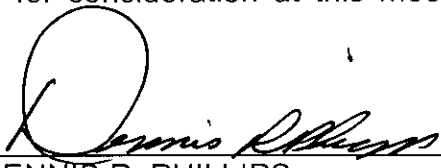
Mayor Phillips noted the Appalachian Fair started last night and the Bristol race was this coming weekend. He also commented on the work session discussion about the aquatic center, noting it was time to start marketing and get a website started to give regular updates to the public. The Mayor pointed out it should be opening by mid-May of next year and encouraged people to drive by during the construction process.

C. CITY RECORDER, JAMES DEMMING. Mr. Demming presented the Board with a report as required by the state on the debt obligation for the issue of \$1,300,000 in capital outlay notes and also \$235,550.73 in capital outlay notes. Mr. Demming noted these two inter-fund loans were approved in June.

D. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:15 p.m.


ANGELA MARSHALL
Deputy City Recorder



DENNIS R. PHILLIPS
Mayor